IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE C.Y. SOMAYAJULU

WRIT PETITION NO : 439 of 1996

Between:

1. B.Malleswaramma

..... PETITIONER

AND

1. The District Collector, Kurnool and 2 others

.....RESPONDENTS

Counsel for the Petitioner: MR. K.PALAKSHA REDDY

Counsel for Respondents: GOVERNMENT PLEADER FOR LAND ACQUISITION

The Court made the following:

ORDER:

This writ petition is filed questioning the action of the respondents acquiring Ac.2-00 of dry land in Survey No.11/C2 of Dowltapuram village, Chippagiri Mandal, Kurnool District, belonging to the petitioner for the purpose of providing house sites to the weaker sections of the society.

2. The contention of the learned Counsel for the petitioner is that due to political rivalry, the land of the petitioner is sought to be acquired for the purpose of house sites though other lands are available and dispensation of enquiry under Section 5(A) of the Land Acquisition Act, 1894 (for short, 'the Act'), is only to deprive

her of her livelihood and to prevent her put forth her contention of her being a small farmer.

3. Since the apex Court in **Union of India Vs. Mukhesh Hans** and **Union of India Vs. Krishan Lal Arneja** held that dispensation of enquiry under Section 5(A) of the Act in a routine fashion is improper, this writ petition is disposed of, with a direction to the respondents to conduct enquiry under Section 5(A) of the Act and take further steps in accordance with the provisions of the Act.

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C.Y. SOMAYAJULU, J

28th July, 2005.

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